IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 632 of 2007(A)
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PETITIONER:
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PRASAD P.VARGHESE, MANAGER,
FR.JOSEPH MEMORIAL HIGHER SECONDARY SCHOOL,
PUTHUPADY, RESIDING AT PUKKUNNEL HOUSE,
PUTHUPADY P.O., MUVATTUPUZHA,
ERNAKULAM- 686673.

BY ADV. SRI.B.KRISHNA MANI
SMT.S.SIBHA

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM.

2. THE PRINCIPAL SECRETARY,
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

3. DR.P.V.JOSEPH, S/O.LATE P.J.VARKEY,
PUTHUPADY (RESIDING AT XIX/256,
PUKKUNEL HOUSE, P.O.PUTHUPADY,
MUVATTUPUZHA-686 673.

4. THE DISTRICT EDUCATIONAL OFFICER,
KOTHAMANGALAM, ERNAKULAM DISTRICT.

R1 & R2 BY GOVERNMENT PLEADER SRI. A.J. VARGHESE.
R3 BY ADV. SRI.ELDHOSE ELIAS
SRI. KURIAN GEORGE KANNANTHANAM (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.M.JOSEPH, J.**

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WP.(C) No.632 OF 2007

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Dated this the 15th day of February, 2007

**JUDGMENT**

Petitioner challenges Ext.P4. Case of the petitioner in brief is as follows:

Petitioner had filed a revision and in the same Ext.P3 order was passed by which the order of the Additional Director of Public Instruction was stayed till the disposal of the revision petition. However by Ext.P4, without hearing the petitioner, the order of stay granted vide Ext.P3 was vacated. No doubt the Government directed the DPI to maintain status quo in the School.

2. Heard counsel appearing for the parties. It is not in dispute that the petitioner was not heard before Ext.P4 was passed. In such circumstances Ext.P4 cannot be sustained and accordingly Ext.P4 is quashed.

The writ petition is disposed of directing the first respondent to consider and take a decision on Ext.P2 in accordance with law after giving an opportunity of being heard to all affected parties on or before

31.3.2007. I am not expressing any view on the effect of Ext.P3 order except to say that it is an order of stay.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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**JUDGMENT**

Dated this the day of February, 2006.